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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,927	03/19/2004	Steven T. Baker	3961-US	8218

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EXAMINER	
HOFFMAN, BRANDON S	

ART UNIT	PAPER NUMBER
2136	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/804,927	BAKER, STEVEN T.	
	Examiner	Art Unit	
	Brandon S. Hoffman	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are pending in this office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-13, and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Berson et al. (U.S. Patent No. 6,938,154).

Regarding claim 1, Berson et al. teaches a method of securing a network device installed on a host comprising:

- Initializing the network device without transmit functions (fig. 3, ref. num 306);
- Receiving notification that the host has been authenticated (fig. 3, ref. num 314); and
- In response to receiving notification that the host has been authenticated, enabling transmit functions of the network device (fig. 3, ref. num 318).

Regarding claim 2, Berson et al. teaches wherein initializing the network device comprises initializing the network device without receive functions (col. 4, lines 60-62).

Regarding claim 3, Berson et al. teaches further comprising in response to receiving notification that the host has been authenticated, enabling receive functions of the network device (fig. 3, ref. num 318).

Regarding claim 5, Berson et al. teaches further comprising accessing a firewall policy server to download firewall policy information that is used by a firewall on the network device after enabling transmit functions of the network device (fig. 3, ref. num 308 and 310).

Regarding claim 6, Berson et al. teaches wherein accessing a firewall policy server is performed before transmitting or receiving data from other clients or servers (fig. 3, ref. num 308 and 310).

Regarding claim 7, Berson et al. teaches wherein accessing a firewall policy server comprises authenticating the firewall policy server (col. 1, lines 43-45).

Regarding claim 8, Berson et al. teaches wherein receiving notification that a host has been authenticated includes receiving notification that the host has been

authenticated for a role, and wherein accessing a firewall policy server comprises downloading firewall policy information for the role (col. 4, lines 60-62).

Regarding claim 9, Berson et al. teaches further comprising receiving firewall policy information communicated to the host and using the firewall policy information at a hardware based firewall on the network device (fig. 1, ref. num 112).

Regarding claim 10, Berson et al. teaches a network device for use in a host on a network, the network device comprising:

- A network port adapted to send and receive network information (fig. 2, ref. num 234); and
- A module that disables at least one of transmit and receive functionality to the network port of the network device until the network device is notified that the host has been authenticated (fig. 3, ref. num 314 and 318).

Regarding claim 11, Berson et al. teaches further comprising a firewall that is adapted to prevent the network device from communicating with other devices according to firewall policy information stored at the firewall (fig. 1, ref. num 112).

Regarding claim 12, Berson et al. teaches further comprising nonvolatile memory, and wherein the firewall policy information is stored in the nonvolatile memory (fig. 2, ref. num 216).

Regarding claim 13, Berson et al. teaches wherein the network device is adapted to receive firewall policy information from a firewall policy server (fig. 5).

Regarding claim 16, Berson et al. teaches a network comprising:

- A plurality of client computers wherein at least one of the client computers is adapted to disable at least one of transmit and receive functionality until a user at the at least one of the client computers has been authenticated (fig. 1 and fig. 3, ref. num 306, 314, and 318).

Regarding claim 17, Berson et al. teaches further comprising:

- A firewall policy server coupled to the at least one of the client computers, the firewall policy server containing firewall policy information that defines at least one of blocked ports, blocked clients and allowed clients (col. 4, lines 36-37); and
- Wherein the at least one of the client computers comprises a firewall wherein the at least one of the client computers is adapted to receive firewall policy information from the firewall policy server (fig. 1, ref. num 112 and fig. 5).

Regarding claim 18, Berson et al. teaches wherein the at least one of the client computers is configured to receive firewall policy information from the firewall policy server prior to communicating with other clients or servers comprised of the network (fig. 3, ref. num 308 and 310).

Regarding claim 19, Berson et al. teaches a method of securing a network device installed on a host comprising:

- Initializing the network device without receive functions (fig. 3, ref. num 306);
- Receiving notification that the host has been authenticated (fig. 3, ref. num 314); and
- In response to receiving notification that the host has been authenticated, enabling receiving functions of the network device (fig. 3, ref. num 318).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 4, 14, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berson et al. (USPN '154).

Regarding claims 4 and 20, Berson et al. teaches all the limitations of claims 1 and 19, respectively, above. However, Berson et al. does not specifically teach wherein enabling receive functions of the network device comprises routing received data to a network stack. However, Berson et al. does disclose network devices (see col. 2, lines 22-24), which utilize network protocols to communicate, and therefore should use a network stack.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine routing received data to a network stack, with the method of Berson et al. It would have been obvious for such modifications because a network stack is used to provide communication between two interconnected devices, such as the printer and copier disclosed in Berson et al.

Regarding claim 14, Berson et al. teaches all the limitations of claim 10, above. However, Berson et al. does not specifically teach wherein the network device is embodied as a network interface card. However, Berson et al. does teach network devices, such as printers, copiers, and faxes (see col. 2, lines 22-24).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a network interface card as a network device, with the device of Berson et al. It would have been obvious for such modifications because a network device allows communications to other devices; by securing the network devices, the transmission of data can be secured.

Regarding claim 15, Berson et al. teaches wherein the network device is embodied as a Secure CardBus network card (see col. 2, lines 22-24, the specific network device is not listed, but is an obvious networking device to use).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandon Hoffman/

BH

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8/16/07